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DEPARTMENT OF STATE
THE LEGAL ADVISER

November 8, 1962

TO: G - Mr. Alexis Johnson

FROM: L - Mr. Abram Chayes

In accordance with our conversation
I attach a draft of a possible Presi-
dential statement.

DEPARTMENT OF STATE A/CDO/MLR

REVIEWED BY *[Signature]* DATE 4-6-88
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DEPARTMENT OF STATE

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Date: 4/15/92

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MR Cases Only:
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DRAFT OF POSSIBLE "ANTICIPATORY" STATEMENT FOR PRESIDENT

On October 27, 1962, I replied to a letter sent by Premier Khrushchev on the preceding day, and stated that the proposals of Premier Khrushchev regarding a solution to the Cuban problem seemed generally acceptable. I summarized the key elements of the proposals as follows:

(1) The USSR would agree to remove from Cuba, under appropriate United Nations observation and supervision, all weapons systems capable of offensive use; and the USSR would undertake, with suitable safeguards, to halt the further introduction of such weapons systems into Cuba; and

(2) The United States would agree -- upon the establishment of adequate arrangements through the United Nations to ensure the carrying out and continuation of these commitments -- (a) to remove promptly the quarantine measures now in effect, and (b) to give assurances against an invasion of Cuba; the President expressed his confidence that other nations of the Western Hemisphere would be prepared to do likewise.

On October 28, I addressed a further letter to Premier Khrushchev, in answer to the Premier's message of the same day, in which I said: "I consider my letter to you of October 27 and your reply of today as firm undertakings on part of both our Governments which should be promptly carried out." It is the understanding of the United States Government that the Soviet Government regards these undertakings in the same light. The obligations set forth in these letters are reciprocal. The undertakings of the United States are conditioned upon faithful performance of the commitments of the Soviet Union.

It is now days since this exchange of letters with Chairman Khrushchev. In that period, the missiles sites we had observed
on the

on the island of Cuba have been dismantled. The missiles and associated weapons have apparently been sent to port areas. A number of them have been loaded on ships and some appear to be already at sea on their way back to the Soviet Union. During this time, certain limited checking procedures over vessels coming into or leaving Cuban ports have been in effect. These procedures have been carried out at sea.

On the other hand, the medium bombers (IL-28) which had been brought to the island have not been dismantled and sent home. On the contrary, work on their assembly apparently continues. These bombers -- with a range of miles and designed to carry nuclear bombs -- are inherently offensive weapons, and were listed as such in my Proclamation of October 23. Moreover, adequate inspection procedures have not yet been instituted for verifying the removal of the missiles and other offensive weapons and providing assurance against their return.

As a result, although progress has been made in reducing the most imminent features of the threat involved in the development of Cuba as an offensive Soviet base, it cannot yet be said that there is a permanent solution to the situation in accordance with the commitments undertaken by the Soviet Union in my exchange of letters with Chairman Khrushchev.

We shall continue to work to achieve such a permanent solution. For the present, we continue to hope that progress can be made in this way on the remaining outstanding issues -- removal of the IL 28's and establishment of adequate inspection procedures. Meanwhile, we shall take necessary measures, in collaboration with the Organization of

American States and in accordance with our commitments under the Rio Treaty, to assure the countries and peoples of this Hemisphere that the missiles which have been dismantled and apparently removed are not again placed in position where they can imminently threaten our security.